

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

UNITED STATES OF AMERICA)

v.)

MARCUS JAY DAVIS, et al.,)

Defendants.)

Case No.: 4:18-cr-00011

By: Michael F. Urbanski
Chief United States District Judge

ORDER

This matter is before the court on two motions in limine asking for the exclusion of certain evidence offered by the government, or in the alternative, a Daubert hearing to determine if the government's toolmark and ballistics evidence is sufficiently reliable under Federal Rule of Evidence 702. ECF Nos. 570, 581, & 591. A number of defendants have filed notices joining these motions. See, e.g., ECF Nos. 571, 573, 576, 584, 595, 596, 604.

To the extent they request a Daubert hearing on the government's proposed evidence, ECF Nos. 570, 581, and 591 are **GRANTED**. A hearing to consider if the evidence offered by the government and objected to by the defendants meets the standards articulated by Daubert v. Merrill Dow Pharmaceuticals, 509 U.S. 579 (1993), Kumho Tire Co., Ltd. v. Carmichael, 526 U.S. 137 (1999), and Federal Rule of Evidence 702 will be held on September 3-4, 2019, beginning at 9:30 am on September 3. The government is **DIRECTED** to produce at the hearing its three proposed toolmark/ballistics evidence so the court may hear from them.

To the extent they request the exclusion of evidence, ECF Nos. 570, 581, and 591 are
TAKEN UNDER ADVISEMENT, pending the completion of the September 3-4 hearing.

It is so **ORDERED**.

Entered: 08-05-2019

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge